

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

PRINCETON WITHERSPOON,

Case No. 25-cv-764 (LMP/JFD)

Plaintiff,

v.

**ORDER ADOPTING
REPORT AND RECOMMENDATION**

KATHY LIONBERGER,

Defendant.

This matter is before the Court on the March 27, 2025 Report and Recommendation (“R&R”) of United States Magistrate Judge David T. Schultz, which recommends dismissing Plaintiff Princeton Witherspoon’s complaint for failure to state a claim. *See* ECF No. 5. No party objected to the R&R, *see* Fed. R. Civ. P. 72(b)(2), so the Court reviews the R&R for clear error, *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (*per curiam*). Discerning no clear error, the Court adopts the R&R in full.

ORDER

Based upon all the files, records, and proceedings in this matter, **IT IS HEREBY ORDERED THAT:**

1. The Report and Recommendation (ECF No. 5) is **ADOPTED IN FULL**;
2. The Amended Complaint (ECF No. 4) is **DISMISSED WITHOUT PREJUDICE**;
3. The institution having custody of Witherspoon is directed to collect and remit monthly payments to the Court in the manner set forth in 28 U.S.C. § 1915(b)(2) until the \$350.00 filing fee is paid in full. Witherspoon is obligated to pay, and the

institution having custody of him is obligated to forward, 20 percent of the preceding month's income credited to Witherspoon's institutional account each time the amount in the account exceeds \$10.00; and

4. The Clerk of Court is **ORDERED** to send notice of Witherspoon's payment obligations to the institution where Witherspoon is incarcerated.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 1, 2025

s/Laura M. Provinzino
Laura M. Provinzino
United States District Judge